

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CROWN COMMUNICATION INC.)	
AND WESTEL-MILWAUKEE COMPANY, LLC, D/B/A)	
CINGULAR WIRELESS - OWENSBORO FOR)	
ISSUANCE OF A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY TO CONSTRUCT)	
A WIRELESS COMMUNICATIONS FACILITY AT)	CASE NO.
1365 WINSTON ROAD, IRVINE, KENTUCKY 40336)	2001-00476
IN THE WIRELESS COMMUNICATIONS LICENSE)	
AREA IN THE COMMONWEALTH OF KENTUCKY)	
)	
SITE NAME: WINSTON)	
SITE NUMBER: 804700)	

O R D E R

On January 18, 2002, Crown Communication Inc. and Westel-Milwaukee Company, LLC, d/b/a Cingular Wireless (Applicants) filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility. The proposed facility consists of a guyed antenna tower not to exceed 285 feet in height, with attached antenna, to be located at 1365 Winston Road, Irvine, Estill County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 42 43.37 by West Longitude 84° 5 16.97 .

The Applicants have provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the application, the design of the tower and foundation conforms to applicable nationally

recognized building standards, and the plans have been certified by a Licensed Professional Engineer.

Pursuant to 807 KAR 5:063, the Applicants have notified the Estill County Judge/Executive of the proposed construction. To date, no comments have been filed by the Judge/Executive. The Applicants have filed applications with the Federal Aviation Administration (FAA) and the Kentucky Airport Zoning Commission (KAZC) seeking approval for the construction and operation of the proposed facility. Both decisions are pending.

The Applicants have filed evidence of the appropriate notices provided pursuant to 807 KAR 5:063.¹ The notices solicited any comments and informed the recipients of their right to request intervention. The Commission received comments from one area property owner. The Applicants in this case replied to the property owner's comments and no request for intervention or public hearing has been filed.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that the Applicants have demonstrated that a facility is necessary to provide adequate utility service and therefore a Certificate of Public Convenience and Necessity to construct the proposed facility should be granted.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, the

¹ On May 1, 2002, the Applicants amended the application and provided evidence of additional notices to property owners.

Applicants should notify the Commission if they do not use this antenna tower to provide service in the manner set out in their application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by the Applicants.

IT IS THEREFORE ORDERED that:

1. The Applicants are granted a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility. The proposed facility consists of a guyed antenna tower not to exceed 285 feet in height, with attached antenna, and is to be located at 1365 Winston Road, Irvine, Estill County, Kentucky. The coordinates for the proposed facility are North Latitude $37^{\circ} 42' 43.37''$ by West Longitude $84^{\circ} 5' 16.97''$.

2. The Applicants shall file a copy of the final decisions regarding the pending FAA and KAZC applications for the proposed construction within 10 days of receiving the decisions.

3. The Applicants shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 26th day of June, 2002.

By the Commission

ATTEST:

A handwritten signature in black ink, appearing to read "Thomas W. (T) [unclear]", written over a horizontal line.

Executive Director